

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: VALSARTAN
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2875

**Honorable Robert B. Kugler,
District Court Judge**

**Honorable Joel Schneider,
Magistrate Judge**

This Document Relates to:

Pearleatha Gatewood v. Princeton Pharmaceutical, Inc., et al.

Case No.: 1:20-cv-06879-RBK-JS

MOTION TO SUBSTITUTE PARTY AND FOR LEAVE TO FILE

FIRST AMENDED SHORT FORM COMPLAINT

Gregory Gatewood, as appointed Personal Representative/Administrator of the Estate of Pearleatha Gatewood a/k/a Pearleatha Gatewood-Dave, deceased, by and through undersigned Counsel, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, moves this Court for an order substituting Gregory Gatewood, as Administrator of the Estate of Pearleatha Gatewood a/k/a Pearleatha Gatewood-Dave, as the Plaintiff in this action and granting leave to file a First Amended Short Form Complaint pursuant to Federal Rules of Civil Procedure 15(a)(2) by reason of plaintiff's death.

1. Pearleatha Gatewood filed her Short Form Complaint in this action against defendants on June 5, 2020.

2. Subsequently, plaintiff's counsel learned that Pearleatha Gatewood died on July 12, 2020. A Notice and Statement Noting Death was filed in this Court on 11/02/2020 (Document No. 614). A copy of the filed Notice and Statement Noting Death is attached hereto as Exhibit "A".

3. Pearleatha Gatewood is also known as Pearleatha Gatewood-Dave.

4. On December 15, 2020, Gregory Gatewood was appointed Personal Representative/Administrator of the Estate of Pearleatha Gatewood-Dave. A copy of the Letters of Administration for this appointment is attached hereto as Exhibit "B".

5. Gregory Gatewood, surviving son of Pearleatha Gatewood, as the duly appointed Personal Representative/Administrator of the Estate of Pearleatha Gatewood-Dave is the appropriate party to substitute for plaintiff-decedent and has proper capacity to proceed forward with the lawsuit on behalf of the Estate pursuant to Federal Rule of Civil Procedure 25(a)(1) which states that: "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

6. It is requested that this Court enter an order substituting Gregory Gatewood, as Administrator of the Estate of Pearleatha Gatewood a/k/a Pearleatha Gatewood-Dave in this lawsuit in place and instead of Pearleatha Gatewood.

7. Additionally, it is requested that this Court permit the plaintiff's appointed representative to amend the Short Form Complaint, as well as the caption of the complaint to substitute the proper Plaintiff (specifically Gregory Gatewood, as the Administrator of the Estate of Pearleatha Gatewood-Dave) and to update and include

information, allegations and actions within the First Amended Short Form Complaint to reflect that the Plaintiff, Pearleatha Gatewood a/k/a Pearleatha Gatewood-Dave is now deceased, and to include a cause of action for survival/wrongful death. The proposed First Amended Short Form Complaint is marked to show the proposed amendments and attached hereto as Exhibit "C".

8. Pursuant to Federal Rules of Civil Procedure 15(a)(2) a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

9. After conferring with defense counsel, they have advised they have no objection to the relief requested herein and they reserve all of their rights and defenses.

10. Filed contemporaneously herewith is a proposed Order Substituting Plaintiff and Amending the Complaint.

11. Wherefore, Plaintiff hereby respectfully requests that this Court grant the following relief:

1) Substituting Gregory Gatewood, Administrator of the Estate of Pearleatha Gatewood-Dave, deceased, for Pealeatha Gatewood as Plaintiff; and

2) Granting Plaintiff leave to file the attached First Amended Short Form Complaint with Gregory Gatewood as Administrator of the Estate of Pearleatha Gatewood-Dave including the allegations of her death and a cause of action for survival/wrongful death as a result.

Dated: January 4, 2021

Respectfully submitted,

/s/ Rosemarie Riddell Bogdan

Rosemarie Riddell Bogdan

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2021, I electronically filed the foregoing Motion to Substitute Party and for Leave to File First Amended Short Form Complaint with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated: January 4, 2021

/s/Rosemarie Riddell Bogdan

Rosemarie Riddell Bogdan